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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,330	03/02/2004	Hung-Chin Guthrie	HIT1P075/HSJ920040008US1	4407
50535	7590	07/12/2006		EXAMINER
ZILKA-KOTAB, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120				STARK, JARRETT J
			ART UNIT	PAPER NUMBER
				2823

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

(1)

Office Action Summary	Application No.	Applicant(s)	
	10/792,330	GUTHRIE ET AL.	
	Examiner	Art Unit	
	Jarrett J. Stark	2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 June 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 7-10, 12-14, and 16-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

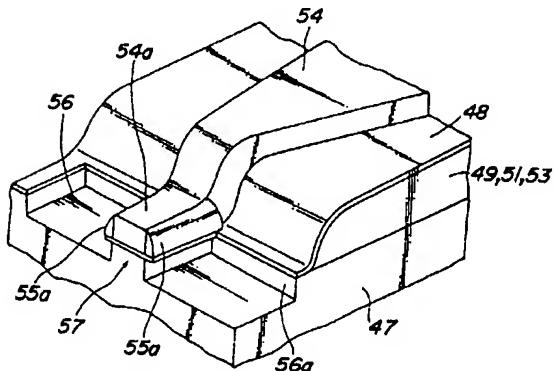
Response to Arguments

Applicant's arguments filed 6/26/2006 have been fully considered but they are not persuasive.

In response to the applicant's argument that "Iijima does not mention reactive ion milling", Iijima discloses that Ion milling is Ion etching. See Iijima Col. 11, lines 66-67 "an ion milling is used as this ion beam etching,"

In response to the applicant's argument

FIG. 29



that Iijima does not disclose the combination of CMP and ion milling, → Iijima Col. 12 lines 55-56 disclose magnetic layer 54a of Fig. 29 is polished by (CMP).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that

obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, as claim 1 is read there is no particular order to when CMP or Ion Milling occurs relative to each other. The claim merely states, "performing a CMP" and "performing a reactive ion mill". Both steps are to remove a portion of the dielectric material. Both process steps are notoriously well known in the art and used to remove dielectric material, and both are disclosed and used by Iijima when forming the same type of device. Therefore it would be obvious to use both of the known methods while forming the device.

Thus, as the claim is currently written, it is not patentably enforceable over the prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-4, 7-10, 12-14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Iijima et al. (US 6,330,743).

Regarding claim 1, the Applicants admitted prior art (paragraphs [0008-0011] and Figs 1A-B) in view of Iijima et al teach a method for manufacturing a magnetic structure on a magnetic write head, comprising:

constructing a photoresist layer having a trench; (applicant's admitted prior art)

depositing a magnetic material into the trench; (applicant's admitted prior art)

removing the photoresist layer; (applicant's admitted prior art)

depositing a dielectric material; (applicant's admitted prior art)

performing a chemical mechanical polish to remove a portion of said dielectric material; (applicant's admitted prior art)

The applicant's prior art does not teach the step of performing a reactive ion mill procedure to remove a portion of dielectric material to expose said magnetic material.

Iijima et al teaches the method of performing a reactive ion mill procedure to remove a portion of dielectric material to expose said magnetic material. (Iijima, Col. 11 lines 40-43)

Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Iijima et al. to enable the step of reactive ion etching to expose the magnetic material step of Iijima et al. to be performed in the process of AAPA because, RIE is a conventionally used method of etching due to its high rate of etching` and selectivity of materials.

portion of the first magnetic layer exposed in the recess is etched such that the recess is dug down over into the first magnetic layer over a part of a whole thickness of the first magnetic layer, and said etching is performed by an ion beam etching such as ion milling.

Regarding claim 2, the Applicants admitted prior art in view of Iijima et al teach a method as in claim 1 further comprising forming a magnetic pole structure over the exposed magnetic material. (Applicant's admitted prior art [0003])

Regarding claim3, the Applicants admitted prior art in view of Iijima et al teach a method as in claim 1 wherein said constructing a photoresist trench further comprises:
depositing photoresist; and
performing a deep ultraviolet photolithography on the photoresist.

(Applicants admitted prior art paragraphs [0008-0011] and Figs 1A-B)

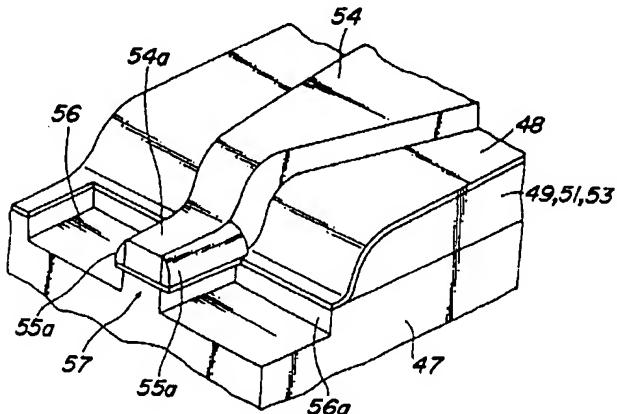
Regarding claim 4, the Applicants admitted prior art in view of Iijima et al teach a method as in claim 1, wherein said depositing said magnetic material comprises electroplating. (Applicants admitted prior art paragraph [0003])

Regarding claim 7, the Applicants admitted prior art in view of Iijima et al teach a method as in claim 1, wherein said magnetic material comprises NiFe. (Applicants admitted prior art paragraph [0004])

Regarding claim 8, the Applicants admitted prior art in view of Iijima et al teach a method as in claim 2, wherein said magnetic pole structure comprises NiFe.
(Applicants admitted prior art paragraph [0004])

Regarding claims 9,17, and 18 the Applicants admitted prior art in view of Iijima et al teach a method as in claim 1 (regarding claims 20 & 21- the structure of claim 19), wherein said reactive ion milling procedure forms a recession of between 0 and 0.3 microns between said magneticstructure and an upper surface of said alumina. Iijima teaches using ion etching to form the recession (56) in Fig 29.

FIG.29



It would have been obvious to one of ordinary skill in the art of making semiconductor devices to determine the workable or optimal value for the depth of the recession through routine experimentation and optimization to obtain optimal or desired device performance because the depth of the recession is a result-effective variable and there is no evidence indicating that it is critical or produces any unexpected results and it has been held that it is not inventive to discover the optimum or workable ranges of a result-effective variable within given prior art conditions by routine experimentation. See MPEP 2144.05

Given the teaching of the references, it would have been obvious to determine the optimum thickness, temperature as well as condition of delivery of the layers involved. See *In re Aller, Lacey and Hall* (10 USPQ 233-237) "It is not inventive to discover optimum or workable ranges by routine experimentation." Note that the specification contains no disclosure of either the critical nature of the claimed ranges or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the Applicant must show that the chosen dimensions are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Any differences in the claimed invention and the prior art may be expected to result in some differences in properties. The issue is whether the properties differ to such an extent that the difference is really unexpected. *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Appellants have the burden of explaining the data in any declaration they proffer as evidence of non-obviousness. *Ex parte Ishizaka*, 24 USPQ2d 1621, 1624 (Bd. Pat. App. & Inter. 1992).

An Affidavit or declaration under 37 CFR 1.132 must compare the claimed subject matter with the closest prior art to be effective to rebut a prima facie case of obviousness. *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979).

Regarding claims 10 & 12, the Applicants admitted prior art in view of Iijima et al teach a method as in claim 1 wherein said magnetic structure has a width sigma of less than 10 nanometers.

Iijima teaches in Col. 1 lines 50-56, the "performance of a recording head has been also required to be improved. In order to increase a surface recording density, it is necessary to make a track density on a magnetic record medium as high as possible.

For this purpose, a width of a pole portion at the air bearing surface has to be reduced to a value within a range from several micron meters to several sub-micron meters."

Therefore it would have been obvious to one of ordinary skill in the art of making semiconductor devices to determine the workable or optimal value for the width of the magnetic structure through routine experimentation and optimization to obtain optimal or desired device performance because the width of the magnetic structure is a result-effective variable and there is no evidence indicating that it is critical or produces any unexpected results and it has been held that it is not inventive to discover the optimum or workable ranges of a result-effective variable within given prior art conditions by routine experimentation. See MPEP 2144.05

Regarding claim 13, the Applicants admitted prior art in view of Iijima et al teach a method as in claim 1 wherein said dielectric material is alumina (Al_2O_3). (Applicants admitted prior art paragraph [0005] & Iijima, Col. 2, line 11)

Regarding claim 14, the Applicants admitted prior art in view of Iijima et al teach a method as in claim 1 wherein said magnetic structure is a P3 pedestal of a magnetic pole. (Iijima, Fig. 29 (54))

Regarding claim 16, the Applicants admitted prior art in view of Iijima et al teach a method as in claim 1 wherein said reactive ion mill is performed sufficiently to create a

recess between an upper surface of said magnetic structure and an upper surface of said dielectric material. (Iijima, Fig. 29)

Claims 5-6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Iijima et al. (US 6,330,743) in further view of Otsuka, (US 2001/0005297).

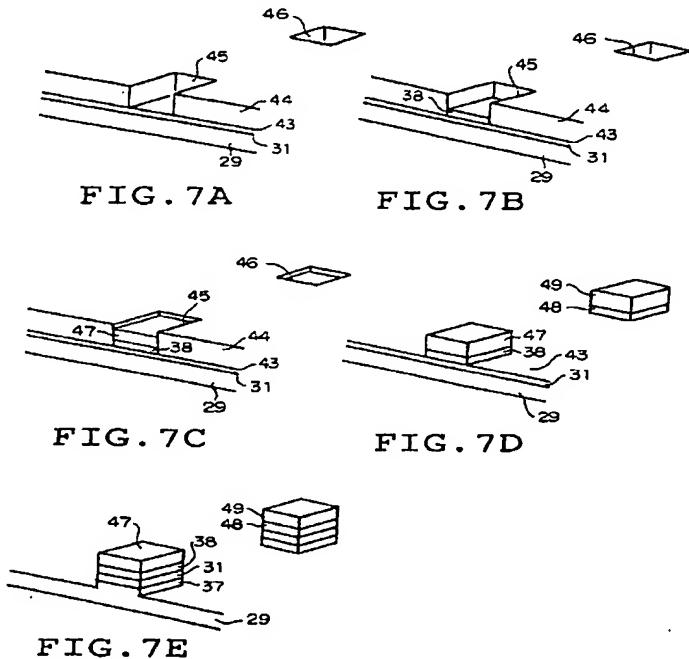
Regarding claim 5, the Applicants admitted prior art in view of Iijima et al teach a method as in claim 1, wherein said depositing said magnetic material comprises electroplating said magnetic material.

The combined references fail to disclose the method of terminating said electroplating before said magnetic material reaches an upper opening in said trench formed in said photoresist layer.

Otsuka teaches and shows in Figures & 7A-C the method of stopping the electroplating before the magnetic reaches the upper opening of the trench. (Otsuka, [0038-39])

Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of AAPA, Iijima and Otsuka to enable the step of stopping the electroplating before the magnetic reaches the upper opening of the trench

of Otsuka to be performed in the process of the combination, "so as to suppress or totally prevent a magnetic blur in a resulting thin film magnetic head element". (Otsuka, [0038])



In this manner, the upper magnetic pole piece 38 is formed within the void 45. The thickness of the deposited magnetic layer is set larger than 0.5 micrometers, for example, so as to suppress or totally prevent a magnetic blur in a resulting thin film magnetic head element 26. (Otsuka, [0038])

Regarding claim 6, the Applicants admitted prior art in view of Iijima et al in further view of Otsuka teach a method as in claim 1, wherein said trench includes a flared portion (Applicant's prior art, [009], fig 1, (106)), and wherein said depositing said magnetic material comprises electroplating said magnetic material, and terminating said

electroplating before said magnetic material reaches said flared portion formed in said trench. (Otsuka, Figures & 7A-C)

Regarding claim 15, the Applicants admitted prior art in view of Iijima et al in further view of Otsuka teach a method as in claim 1 wherein said reactive ion mill is performed in an atmosphere comprising CHF₃. (Otsuka, paragraph [0046])

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jarrett J. Stark whose telephone number is (571) 272-6005. The examiner can normally be reached on Monday - Thursday 7:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJS
July 1, 2006


MICHELLE ESTRADA
PRIMARY EXAMINER